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IC Reg

The Honorable Paul C. Warnke
Director, United States Arms Control
and Disarmament Agency
Washington, D.C. 20451

29 JUN 1977

Dear Mr. Warnke:

On the basis of discussions between members of your staff and mine, I am aware that you have some concern as to whether the Congress should be provided impact statements on certain intelligence systems in response to P.L. 94-141.

I am interested in being as cooperative as possible in this field, but review of this public law and its legislative history indicate that Congress had no intention of covering intelligence systems, even though I recognize that whether we do or do not have particular intelligence capabilities can have a direct impact on arms control negotiations and monitoring.

Rather than getting the Intelligence Community involved in the preparation of impact statements, I suggest the following:

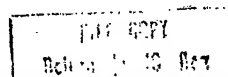
- a. As Chairman of the NSC Policy Review Committee (Intelligence), I will ensure that during the annual budget review of the National Foreign Intelligence Program, conscious effort will be made to identify any proposed changes in intelligence capabilities which might have a positive or negative impact on either the arms control negotiation environment or on the monitoring of agreed arms control measures.
- b. Any such changes in intelligence capabilities will be reported to your office, along with an Intelligence Community assessment of the possible impact of such on arms control and disarmament policy and negotiations.
- c. If, on the basis of this report from me, you consider that any additional action is required, such as some report to the Congress, our staffs can work out the necessary follow-on.

Yours sincerely,

SIGNED

STANSFIELD TURNER

cc: Dr. Brzezinski



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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
WASHINGTON

OFFICE OF
THE DIRECTOR

July 14, 1977

Dear Admiral Turner:

Thank you for your letter of June 29, 1977, to Mr. Warnke with regard to including intelligence programs in the arms control impact analyses undertaken pursuant to PL 94-141.

Your offer to provide ACDA with information on, and analyses of changes in intelligence capabilities which might impact on the arms control negotiating environment or on monitoring agreed measures is most welcome. I have asked Brigadier General John Ralph of my staff to coordinate the establishment of an appropriate liaison with your staff to facilitate the transmittal of this information.

In addition, as you may know, both House and Senate have amended the ACDA FY 1978 authorization bill to require the Director of ACDA to report to Congress on the verifiability of arms control proposals and of existing agreements. General Ralph will explore with your staff what procedures should be established if such an amendment becomes law.

Sincerely,

Am Keeny, Jr.
Spurgeon M. Keeny, Jr.
Acting

Admiral Stansfield Turner
Director
Central Intelligence Agency

(EXECUTIVE REGISTRY FILE *ACDA*)

TRANSMITTAL SLIP		DATE 16 July 77
TO: ES		
ROOM NO.	BUILDING	
REMARKS: <p>IC Staff prepared the DCI's 29 June letter to Warnke. Info copies were sent to Dr. Brzezinski and OLC.</p> <p>Eunice</p>		
FROM:		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

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Central Intelligence Agency

(EXECUTIVE REGISTRY FILE ACDA)

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ARMS CONTROL AND DISARMAMENT IMPACT STATEMENT

SEC. 146. Title III of the Arms Control and Disarmament Act (22 U.S.C. 2571-2575) is amended by adding at the end thereof the following:

"ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

"SEC. 36. (a) In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

"(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons.

"(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

"(A) an estimated total program cost in excess of \$250,000,000, or

"(B) an estimated annual program cost in excess of \$50,000.00, or

"(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations.

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 35 of this Act, with respect to the nature, scope, and purpose of such proposal.

"(b) (1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

"(2) Any request to the Congress for authorization or appropriations for—

"(A) any program described in subsection (a) (1) or (2), or

"(B) any program described in subsection (a) (3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations, shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

"(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

"(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director)."

Executive Registry

77-7941/1

EXHIBIT CATEGORY NO. ACDA

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

The Honorable Paul C. Warnke
Director, United States Arms Control
and Disarmament Agency
Washington, D.C. 20451

Dear Mr. Warnke:

On the basis of discussions between members of your staff and mine, I am aware that you have some concern as to whether the Congress should be provided impact statements on certain intelligence systems in response to P.L. 94-141.

I am interested in being as cooperative as possible in this field, but in my view the present statute would have to be interpreted quite broadly to encompass intelligence systems, even though I recognize that whether we do or do not have particular intelligence capabilities can have a direct impact on arms control negotiations and monitoring.

Rather than getting the Intelligence Community involved in the preparation of impact statements, I suggest the following:

a. As Chairman of the NSC Policy Review Committee (Intelligence), I will ensure that during the annual budget review of the National Foreign Intelligence Program, conscious effort will be made to identify any proposed changes in intelligence capabilities which might have a positive or negative impact on either the arms control negotiation environment or on the monitoring of agreed arms control measures.

b. Any such changes in intelligence capabilities will be reported to your office, along with an Intelligence Community assessment of the possible impact of such on arms control and disarmament policy and negotiations.

c. If, on the basis of this report from me, you consider that any additional action is required, such as some report to the Congress, our staffs can work out the necessary follow-on.

Yours sincerely,

STANSFIELD TURNER

cc: Dr. Brzezinski

77-7941

ER

DCI/IC-77-0823

25 JUN 1977

MEMORANDUM FOR: Director of Central Intelligence

FROM : John N. McMahon
Acting Deputy to the DCI for the
Intelligence Community

SUBJECT : The Possibility of ACDA "Impact Statements"
Concerning Intelligence Projects

1. Action Requested: Your signature on the attached letter to the Director, Arms Control and Disarmament Agency.

2. Background:

a. Public Law 94-141, "Foreign Relations Authorization Act, Fiscal Year 1975," requires that the ACDA Director provide the Congress with "impact statements" concerning legislative and budgetary proposals he believes "may have a significant impact on arms control and disarmament policy or negotiations." The focus is primarily on systems for the delivery of nuclear weapons, but the statute also covers "any other program involving weapons systems or technologies."

b. Attached (Tab A) is a copy of the 7 June memorandum on "Arms Control Impact Statements" that Mr. Warnke sent Dr. Brzezinski and in which he seeks help in improving the impact statements. Dr. Warnke starts out by stating:

"Congressional dissatisfaction with the Arms Control Impact Statements submitted for FY 77 and 78 is now a matter of public record. A recent Congressional Research Service (CRS) report elaborates on the quality and intensity of Congressional unhappiness with past performance and suggests ways to improve the product."

c. The Intelligence Community has not heretofore been involved in the ACDA impact statements, but in his 7 June memorandum Mr. Warnke includes this comment:

"The selection issue also raises sensitive questions about categories of coverage, e.g., should there be impact statements on the intelligence systems, and, if so, how can compartmentalized data be efficiently collected, analyzed and the impact statements promulgated (largely unclassified) as Congress apparently desires."

d. In the final paragraph of his memorandum, however, Mr. Warnke proposes a conference with Dr. Brzezinski and DoD and ERDA representatives, with no mention of intelligence representation.

e. On the same day Mr. Warnke sent his memorandum to Dr. Brzezinski, on ACDA initiative, two ACDA staffers (Robert E. Morrison, Chief, Intelligence Staff, and Raymond Firehock, Foreign Affairs Officer, Weapons Evaluation and Control Bureau) met with IC Staff representatives to discuss whether or how arms control impact statements could be developed in connection with budget decisions on intelligence systems. No commitments were made, other than that ICS would get back with the ACDA staff after the matter had been considered.

f. It was learned during the discussion, however, that the possibility of Intelligence Community participation in the impact statement program was discussed in low-key last year by ACDA Director Ikle and General Scowcroft, and the decision then was not to raise the matter with the DCI.

g. The 414-page Congressional Research Service report of April 1977, "Analysis of Arms Control Impact Statements Submitted in Connection with the Fiscal Year 1978 Budget Request," prepared for the Senate Foreign Relations and House International Relations Committees, mentions the possible inclusion of intelligence systems only in passing.

(1) The report notes (page 3) that "weapons systems...for early warning and for reconnaissance and surveillance" can have a significant impact on arms control agreements, but there is question whether some of these systems "should be strictly considered as intended for military or war purposes" and therefore covered by the present legislation.

(2) "Programs for launching of surveillance satellites" are cited (page 5) as an example that "certain important defense or non-defense programs which do not fall directly within the categories of 'armaments, implements or war or military facilities' as described in the law, do or could have significant arms control impact."

h. Because of some uncertainty as to whether the present law really intended to include provision for impact statements on intelligence capabilities that could have an impact on the arms control situation, and because of the difficulties that would be involved in discussing intelligence capabilities in unclassified impact statements, it is proposed you seek to keep the Intelligence Community out of the ACDA impact statement effort.

i. At Tab B is a letter which it is proposed you send to Mr. Warnke, copy to Dr. Brzezinski. The letter notes you are aware of Mr. Warnke's concern regarding the adequacy of impact statements and that you wish to be helpful, short of becoming involved in the preparation of impact statements themselves. The letter advises that the potential impact on arms control matters of any proposed changes in intelligence capabilities will be assessed by the PRC(I) during the annual NFIP budget reviews and ACDA will be advised when projects of such a nature are identified.

SIGNED

John N. McMahon

Attachments:
as stated

Distribution:

Orig. - Adsee.

1 - DCI

1 - ER

1 - Acting D/DCI/IC

1 - NFIB/PRC(I)

1 - OPEI/PAID

3 - ES/ICS

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1 - OLC

STAT SA-D/DCI/IC/

(9 June 1977)

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Mr. Evans,

The original of the package attached as reference was sent to SA/DCI on 22 June.

Eunice

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED	CONFIDENTIAL	SECRET	
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	DCI		
2			
3			
4			
5			
6			
ACTION	DIRECT REPLY	PREPARE REPLY	
APPROVAL	DISPATCH	RECOMMENDATION	
COMMENT	FILE	RETURN	
CONCURRENCE	INFORMATION	SIGNATURE	
Remarks: <p style="margin-left: 40px;">ACDA has requested that you see a copy of the attached.</p> <div style="border: 1px solid black; width: 200px; height: 30px; margin: 20px auto;"></div> <p style="text-align: right; margin-right: 50px;">Sayre Stevens</p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
Deputy Director for Intelligence			AUG 1977
UNCLASSIFIED	CONFIDENTIAL	SECRET	